

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MARK LEON CHILDERS
2648 Cecilia Court
Redding, California 96002

Registered Nurse License No. 555781

Respondent.

Case No. 2003-187

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 12, 2004

It is so ORDERED May 13, 2004

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
2 of the State of California
3 HANNAH HIRSCH ROSE, State Bar No. 56276
4 Deputy Attorney General
5 California Department of Justice
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10 Attorneys for Complainant

11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
14 **STATE OF CALIFORNIA**

15 In the Matter of the Accusation Against:

16 MARK LEON CHILDERS
17 2648 Cecilia Court
18 Redding, California 96002

19 Registered Nurse License No. 555781

20 Respondent.

Case No. 2003-187

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
22 above-entitled proceedings that the following matters are true:

PARTIES

- 23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
24 the Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
26 Hannah Hirsch Rose, Deputy Attorney General.
- 27 2. Mark Leon Childers (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.
3. On or about June 16, 1999, the Board of Registered Nursing issued
Registered Nurse License No. 555781 to Mark Leon Childers (Respondent). The License was in
full force and effect at all times relevant to the charges brought in Accusation No. 2003-187 and
will expire on July 31, 2005, unless renewed.

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JURISDICTION

4. Accusation No. 2003-187 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 6, 2003. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 2003-187 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2003-187. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2003-187.

9. Respondent agrees that his Registered Nurse License is subject to discipline and he agrees to be bound by the Board of Registered Nursing (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other

1 professional licensing agency is involved, and shall not be admissible in any other criminal or
2 civil proceeding.

3 CONTINGENCY

4 11. This stipulation shall be subject to approval by the Board of Registered
5 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
6 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
7 and settlement, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
9 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
10 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
11 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
12 between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 12. The parties understand and agree that facsimile copies of this Stipulated
15 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
16 force and effect as the originals.

17 13. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board may, without further notice or formal proceeding, issue and enter the
19 following Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Registered Nurse License No. 555781 issued to
22 Respondent Mark Leon Childers is revoked. However, the revocation is stayed and Respondent
23 is placed on probation for three (3) years on the following terms and conditions.

24 1. **Severability Provision.** Each term and condition of probation contained
25 herein is a separate and distinct term and condition. If any term and condition of this Order, or
26 any application thereof, is declared unenforceable in whole, in part, or to any extent, the
27 remainder of this Order, and all other applications thereof, shall not be affected. Each term and
28 condition of this Order shall separately be valid and enforceable to the fullest extent permitted by

1 law.

2 2. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
3 A full and detailed account of any and all violations of law shall be reported by Respondent to
4 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
5 compliance with this term, Respondent shall submit completed fingerprint cards and fingerprint
6 fees within 45 days of the effective date of the decision, unless previously submitted as part of
7 the licensure application process. Respondent shall submit a recent 2" x 2" photograph of
8 himself or herself within 45 days of the effective date of the final decision.

9 3. **Comply with Probation Program.** Respondent shall fully comply with
10 the terms and conditions of the Probation Program established by the Board and, concurrently,
11 with the Probation Program established by the Board of Vocational Nursing and Psychiatric
12 Technicians in that Board's Case No. N2003-187. Respondent shall fully cooperate with
13 representatives of the Board in its monitoring and investigation of Respondent's compliance with
14 the Probation Program enforced by the Board of Registered Nursing and the Board of Vocational
15 Nursing and Psychiatric Technicians. Respondent shall inform the Board in writing within no
16 more than 15 days of any address change and shall at all times maintain an active, current license
17 status with the Board, including during any period of suspension.

18 4. **Report in Person.** Respondent, during the period of probation, shall appear
19 in person at interviews/meetings as directed by the Board or its designated representatives.

20 5. **Residency or Practice Outside of State.** Periods of residency or practice
21 as a registered nurse outside of California will not apply to the reduction of this probationary
22 term. Respondent must provide written notice to the Board within 15 days of any change of
23 residency or practice outside the state.

24 6. **Submit Written Reports.** Respondent, during the period of probation,
25 shall submit or cause to be submitted such written reports/declarations and verification of actions
26 under penalty of perjury, as required by the Board. These reports/declarations shall contain
27 statements relative to Respondent's compliance with all the terms and conditions of the Board's
28 Probation Program. Respondent shall immediately execute all release of information forms as

1 may be required by the Board or its representatives.

2 7. **Provide Decision** - Respondent shall provide a copy of this decision to the
3 nursing regulatory agency in every state and territory in which he has a registered nurse license.

4 8. **Function as a Registered Nurse.** Respondent, during the period of
5 probation, shall engage in the practice of registered nursing in California for a minimum of 24
6 hours per week for 6 consecutive months or as determined by the Board.

7 For purposes of compliance with the section, "engage in the practice of registered
8 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
9 work in any non-direct patient care position that requires licensure as a registered nurse.

10 The Board may require that advanced practice nurses engage in advanced practice
11 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
12 Board.

13 If Respondent has not complied with this condition during the probationary term,
14 and Respondent has presented sufficient documentation of his good faith efforts to comply with
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may
16 grant an extension of Respondent's probation period up to one year without further hearing in
17 order to comply with this condition.

18 9. **Employment Approval and Reporting Requirements.** Respondent
19 shall obtain prior approval from the Board before commencing any employment, paid or
20 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
21 performance evaluations and other employment related reports as a registered nurse upon request
22 of the Board.

23 Respondent shall provide a copy of this decision to his employer and immediate
24 supervisor prior to commencement of any nursing or other health care related employment.

25 Respondent shall notify the Board in writing within seventy-two (72) hours after
26 he obtains any nursing or other health care related employment, when such employment is not as
27 a registered nurse. Respondent shall notify the Board in writing within seventy-two (72) hours
28 after he is terminated from any registered nursing, other nursing, or other health care related

1 employment with a full explanation of the circumstances surrounding the termination.

2 10. **Supervision.** Respondent shall obtain prior approval from the Board
3 regarding Respondent's level of supervision and/or collaboration before commencing any
4 employment as a registered nurse.

5 Respondent shall practice only under the direct supervision of a registered nurse
6 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
7 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
8 are approved.

9 Respondent's level of supervision and/or collaboration may include, but is not
10 limited to the following:

11 (a) Maximum - The individual providing supervision and/or collaboration is
12 present in the patient care area or in any other work setting at all times.

13 (b) Moderate - The individual providing supervision and/or collaboration is in
14 the patient care unit or in any other work setting at least half the hours Respondent works.

15 (c) Minimum - The individual providing supervision and/or collaboration has
16 person-to-person communication with Respondent at least twice during each shift worked.

17 (d) Home Health Care - If Respondent is approved to work in the home health
18 care setting, the individual providing supervision and/or collaboration shall have person-to-
19 person communication with Respondent as required by the Board each work day. Respondent
20 shall maintain telephone or other telecommunication contact with the individual providing
21 supervision and/or collaboration as required by the Board during each work day. The individual
22 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
23 site visits to patients' homes visited by Respondent with or without Respondent present.

24 11. **Employment Limitations.** Respondent shall not work for a nurse's
25 registry, in any private duty position as a registered nurse, a temporary nurse placement agency,
26 or for an in-house nursing pool.

27 Respondent shall not work for a licensed home health agency as a visiting nurse
28 unless the registered nursing supervision and other protections for home visits have been

1 approved by the Board. Respondent shall not work in any other registered nursing occupation
2 where home visits are required.

3 Respondent shall not work in any health care setting as a supervisor of registered
4 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
5 nurses and/or unlicensed assistive personnel on a case-by-case basis.

6 Respondent shall not work as a faculty member in an approved school of nursing
7 or as an instructor in a Board approved continuing education program.

8 Respondent shall work only on a regularly assigned, identified and predetermined
9 worksite(s) and shall not work in a float capacity.

10 If Respondent is working or intends to work in excess of 40 hours per week, the
11 Board may request documentation to determine whether there should be restrictions on the hours
12 of work.

13 **12. Complete a Nursing Course(s).** Respondent, at his own expense, shall
14 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
15 than six months prior to the end of his probationary term.

16 Respondent shall obtain prior approval from the Board before enrolling in the
17 course(s). Respondent shall submit to the Board the original transcripts or certificates of
18 completion for the above required course(s). The Board shall return the original documents to
19 Respondent after photocopying them for its records.

20 **13. Cost Recovery.** Respondent shall pay to the Board costs associated with
21 its investigation and enforcement pursuant to Business and Professions Code Section 125.3 in the
22 amount of \$2,600.00. Respondent shall be permitted to pay these costs in a payment plan
23 approved by the Board, with payments to be completed no later than three months prior to the
24 end of the probation term.

25 **14. Violation of Probation.** If Respondent violates the conditions of his
26 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
27 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
28 license. The Board shall also notify the Board of Licensed Vocational Nursing and Psychiatric

1 Technicians of any probation violation and disciplinary actions based upon the violation of any
2 of the terms and conditions of his probation. If respondent is subject to probationary terms and
3 conditions with the Board of Registered Nursing, any violation of the Board of Registered
4 Nursing's probationary terms and conditions will considered a violation of respondent's
5 probation with the Board of Licensed Vocational Nursing and Psychiatric Technicians, any
6 violation of the Board of Licensed Vocational Nursing and Psychiatric Technicians' probationary
7 terms and conditions will be considered a violation of respondent's probation with the Board of
8 Registered Nursing.

9
10 If during the period of probation, an accusation or petition to revoke probation has
11 been filed against Respondent's license or the Attorney General's Office has been requested to
12 prepare an accusation or petition to revoke probation against Respondent's license, the
13 probationary period shall automatically be extended and shall not expire until the accusation or
14 petition has been acted upon by the Board. Upon successful completion of probation,
15 Respondent's license will be fully restored.

16 15. **Physical Examination.** Within 45 days of the effective date of this
17 decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner, or
18 physician assistant, who is approved by the Board before the assessment is performed, submit an
19 assessment of Respondent's physical condition and capability to perform the duties of a
20 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
21 medically determined, a recommended treatment program will be instituted and followed by
22 Respondent with the physician, nurse practitioner, or physician assistant providing written
23 reports to the Board on forms provided by the Board.

24 If Respondent is determined to be unable to practice safely as a registered nurse,
25 the licensed physician, nurse practitioner, or physician assistant making this determination shall
26 immediately notify the Probation Program and Respondent by telephone. Respondent shall
27 immediately cease practice and shall not resume practice until notified by the Probation Monitor.
28 During this period of suspension, Respondent shall not engage in any practice for which a license
issued by the Board is required until the Probation Monitor has notified Respondent that a

1 physical examination determines respondent may safely resume practice.

2 16. **Mental Health Exam/Substance Abuse Assessment.** The Respondent
3 shall, within 45 days of the effective date of this decision, have a mental health examination
4 including psychological testing as appropriate to determine his capability to perform the duties of
5 a registered nurse. The examination must be performed by a licensed psychiatrist, psychologist
6 or other mental health practitioner, approved by the Board, who has experience in the diagnosis
7 and treatment of chemical dependency and alcoholism. The examiner must submit a narrative
8 report of the examination. All costs are the responsibility of the Respondent.

9 Recommendations for treatment, therapy or counseling made as a result of the
10 mental health exam will be instituted and followed by the respondent.

11 If Respondent is determined to be unable to practice safely as a registered nurse,
12 the licensed mental health care practitioner making this determination shall immediately notify
13 both the Probation Program and Respondent of this determination by telephone and Respondent
14 shall immediately cease practice and may not resume practice until notified in writing by the
15 Probation Monitor that he may engage in the practice of registered nursing. During this period of
16 suspension, Respondent shall not engage in any practice for which a license issued by the Board
17 is required, until the Probation Monitor has notified Respondent that a mental health
18 determination permits Respondent to resume practice.

19 If the examiner discovers that the Respondent is or has been dependent upon
20 drugs or alcohol or has had problems with drugs or alcohol (i.e., drug dependence in remission or
21 alcohol dependence in remission), then the Respondent must further comply with the following
22 additional terms and conditions of probation.

23 (A) **Participate in Treatment/Rehabilitation Program for Chemical Dependence**

24 Respondent, at his expense, shall successfully complete during the probationary
25 period or shall have successfully completed prior to commencement of probation
26 a Board-approved treatment/rehabilitation program of at least six months. As
27 required, reports shall be submitted by the program on forms provided by the
28 Board. If Respondent has not completed a Board-approved

1 treatment/rehabilitation program prior to commencement of probation,
2 Respondent, within a reasonable time approved by the Board, shall be enrolled in
3 a program. If a program is not successfully completed within a reasonable time
4 approved by the Board, the Board shall consider Respondent in violation of
5 probation.

6 Based on Probation Program recommendation, each week Respondent shall be
7 required to attend at least one, but no more than five 12-step recovery meetings or
8 equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse
9 support group as approved and directed by the Board. If a nurse support group is
10 not available, an additional 12-step meeting or equivalent shall be added.

11 Respondent shall submit dated and signed documentation confirming such
12 attendance to the Board during the entire period of probation. Respondent shall
13 continue with the recovery plan recommended by the treatment/rehabilitation
14 program or a licensed mental health examiner and/or other ongoing recovery
15 groups.

16 (B) **Abstain From Use of Psychotropic (Mood-Altering) Drugs**

17 Respondent shall completely abstain from the possession, injection or
18 consumption by any route of all psychotropic (mood-altering) drugs, including
19 alcohol, except when the same are ordered by a health care professional legally
20 authorized to do so and are part of documented medical treatment. Respondent
21 shall have sent to the Board, in writing and within fourteen (14) days, by the
22 prescribing physician or dentist, a report identifying the medication, dosage, the
23 date the medication was prescribed, the Respondent's prognosis, the date the
24 medication will no longer be required, and the effect on the recovery plan, if
25 appropriate.

26 Respondent shall identify for the Board a single physician, nurse practitioner or
27 physician assistant who shall be aware of Respondent's history of substance abuse
28 and will coordinate and monitor any prescriptions for Respondent for dangerous

1 drugs, controlled substances or mood-altering drugs. The coordinating physician,
2 nurse practitioner, or physician assistant shall report to the Board on a quarterly
3 basis Respondent's compliance with this condition. If any substances considered
4 addictive have been prescribed, the report shall identify a program for the time
5 limited use of any such substances.

6 The Board may require the single coordinating physician, nurse practitioner, or
7 physician assistant to be a specialist in addictive medicine, or to consult with a
8 specialist in addictive medicine.

9 (C) **Submit to Tests and Samples**

10 Respondent, at his expense, shall participate in a random, biological fluid testing
11 or a drug screening program which the Board approves. The length of time and
12 frequency will be subject to approval by the Board. The Respondent is
13 responsible for keeping the Board informed of Respondent's current telephone
14 number at all times. Respondent shall also ensure that messages may be left at the
15 telephone number when he is not available and ensure that reports are submitted
16 directly by the testing agency to the Board, as directed. Any confirmed positive
17 finding shall be reported immediately to the Board by the program and the
18 Respondent shall be considered in violation of probation.

19 In addition, Respondent, at any time during the period of probation, shall fully
20 cooperate with the Board or any of its representatives, and shall, when requested,
21 submit to such tests and samples as the Board or its representatives may require
22 for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
23 controlled substances.

24 If Respondent has a positive drug screen for any substance not legally authorized
25 and not reported to the coordinating physician, nurse practitioner, or physician
26 assistant, and the Board files a petition to revoke probation or an accusation, the
27 Board may suspend Respondent from practice pending the final decision on the
28 petition to revoke probation or the accusation.

1 (D) Therapy or Counseling Program

2 Respondent, at his expense, shall participate in an on-going counseling program
3 until such time as the Board releases him from this requirement and only upon the
4 recommendation of the counselor. Written progress reports from the counselor
5 will be required at various intervals.

6 Any other recommendations for treatment, therapy or counseling made as a result
7 of the mental health examination will be instituted and followed by Respondent.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I
10 understand the stipulation and the effect it will have on my Registered Nurse License. I enter
11 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
12 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

13 DATED: 11/01/03


14 
15 MARK LEON CHILDERS
16 Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
20 Affairs.

21 DATED: 11/04/03

22 BILL LOCKYER, Attorney General
23 of the State of California

24 
25 HANNAH HIRSCH ROSE
26 Deputy Attorney General

27 Attorneys for Complainant

Exhibit A

Accusation No. 2003-187

1 BILL LOCKYER, Attorney General
of the State of California
2 HANNAH HIRSCH ROSE, State Bar No. 56276
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
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6 Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2003-187

12 MARK LEON CHILDERS
13 2648 Cecilia Court
Redding, California 96002

ACCUSATION

14 Registered Nurse License No. 555781

15 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about June 16, 1999, the Board of Registered Nursing issued
23 Registered Nurse License Number 555781 to Mark Leon Childers (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on July 31, 2003, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs under the authority of the below mentioned statutes

1 and regulations.¹

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in
3 pertinent part, that the Board may discipline any licensee, including a licensee holding a
4 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
5 2750) of the Nursing Practice Act.

6 5. Section 2764 of the Code provides, in pertinent part, that the expiration of
7 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
8 against the licensee or to render a decision imposing discipline on the license.

9 6. Section 2811(b) of the Code provides, in pertinent part, that the Board may
10 renew an expired license at any time within eight years after the expiration.

11 7. Section 2761 of the Code states:

12 "The board may take disciplinary action against a certified or licensed nurse or
13 deny an application for a certificate or license for any of the following:

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15 "(f) Conviction of a felony or of any offense substantially related to the
16 qualifications, functions, and duties of a registered nurse, in which event the record of the
17 conviction shall be conclusive evidence thereof.

18 8. California Code of Regulations, title 16, section 1444, states:

19 "A conviction or act shall be considered to be substantially related to the
20 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the
21 present or potential unfitness of a registered nurse to practice in a manner consistent with the
22 public health, safety, or welfare. Such convictions or acts shall include but not be limited to the
23 following:

24 "(a) Assaultive or abusive conduct including, but not limited to, those violations
25 listed in subdivision (d) of Penal Code Section 11160.

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28 1. All statutory references are to the Business and Professions Code (Code) unless
otherwise indicated.

"(d) Any conviction or act subject to an order of registration pursuant to Section al Code."

10. Section 490 of the Code states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

(Conviction PC 273.5(A) (felony))

11. Respondent is subject to disciplinary action under sections 490 and 2761(f) and California Code of Regulations, title 16, section 1444 in that on or about August 21, 2002, in the Superior Court of the State of California for the County of Shasta in case number 02F787, respondent was convicted of a violation of Penal Code section 273.5 (A), a felony. The circumstances are as follows:

12. On or about February 3, 2002 respondent did willfully and unlawfully inflict corporal injury resulting in a traumatic condition on a person cohabiting with him.

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1 to Mark Leon Childers;

2 2. Ordering Mark Leon Childers to pay the Board of Registered Nursing the
3 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
4 Professions Code section 125.3;

5 3. Taking such other and further action as deemed necessary and proper.

6 DATED: 2/21/03

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10 RUTH ANN TERRY, M.P.H., R.N.
11 Executive Officer
12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California
15 Complainant
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